

CHAPTER 771

Garage Sales

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CROSS REFERENCES

Power to regulate transient dealers—see Ohio R. C. 715.64

Littering—see GEN. OFF. 521.08

Handbill distribution—see BUS. REG. Ch. 705

771.01 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number; and words in the singular number, the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Garage sale" means and includes all general sales, open to the public conducted from or on any premises used for residential purposes, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where no more than one (1) vehicle, for which a state certificate of title or other form of state registration has been issued to a resident of such premises, is held out for sale and all advertisement of such sale specifically names the vehicle to be sold.
(Ord. 90-608. Passed 11-13-90.)
- (b) "Personal property" means property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was

purchased for resale or obtained on consignment.
(Ord. 85-294. Passed 5-28-85.)

771.02 PROPERTY PERMITTED TO BE SOLD.

No individual shall sell or offer for sale, under authority granted by this chapter, property other than personal property.
(Ord. 82-191. Passed 5-4-82.)

771.03 REPEALED BY ORD. 00-428, EFFECTIVE 1-2-01.

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771.06 REPEALED BY ORD. 00-428, EFFECTIVE 1-2-01.

771.07 LIMITS ON SALES.

Such garage sales shall be limited in time to the hours between 8:00 a.m. and 6:00 p.m. for three consecutive days. No more than two such sales may be conducted at any individual residence and/or family household during any calendar year.
(Ord. 00-428, effective 1-2-01.)

771.08 REPEALED BY ORD. 00-428, EFFECTIVE 1-2-01.

771.09 REPEALED BY ORD. 00-428, EFFECTIVE 1-2-01.

771.10 REPEALED BY ORD. 00-428, EFFECTIVE 1-2-01.

771.11 SIGNS.

No more than two signs of not more than four square feet each shall be displayed advertising a garage sale. Such signs shall not be displayed anywhere other than the premises where such sale shall be held, shall be displayed only on the day or days of such sale and the two days immediately preceding thereof, and shall be removed by 6:00 p.m. on the last day of such sale.

**771.12 INSPECTION; CLOSURE, AUTHORITY OF BUSINESS
LICENSING OFFICER.**

Upon inspection, any garage sale found to be operating in violation of this chapter or any other applicable law or ordinance may be closed by the Business Licensing Officer or other public official responsible for the enforcement of such law or ordinance.
(Ord. 82-191. Passed 5-4-82.)

771.13 REPEALED BY ORD. 00-428, EFFECTIVE 1-2-01.

771.14 PERSONS EXEMPTED.

The provisions of this chapter shall not apply to or affect the following:

- (a) Persons selling goods pursuant to an order to process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.

771.15 SEPARATE VIOLATIONS.

Every sale of an article and every day a sale is conducted in violation of this chapter shall constitute a separate offense.
(Ord. 82-191. Passed 5-4-82.)

771.16 VIOLATION CITATION TAGS.

The Community Development Director is authorized and directed to provide inspectors with citation tags which may be used for the purpose of giving due notice and summons to the person responsible for violations of the provisions of this chapter.

- (a) Such citation tag shall be put in writing on an appropriate form, describe the offense charged, refer to the sections of the chapter violated, order the defendant to appear at a stated time and place, and it shall be made on oath before any person authorized by law to administer oaths.
- (b) The citation tag shall be served on such person in person. However, this citation shall be deemed to be properly served upon the person if a copy thereof is sent by registered or certified mail to his last known mailing address, residence, or place of business, or a copy is posted in a conspicuous place in or on the dwelling where the garage sale is held. If a registered or certified mail envelope is returned with an endorsement showing that service was refused, the notice may be served by ordinary mail to his last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing. If the registered or certified mail envelope is returned with an endorsement showing that service was unclaimed, the notice may be served by ordinary mail to his last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.
- (c) The citation tag shall inform the defendant that, in lieu of appearing at the time and place stated, he may, within that stated time, appear personally at the office of the Clerk of Municipal Court and on signing a plea of guilty and a waiver of trial, pay a stated fine and stated costs, if any. The citation shall inform the defendant that he may be arrested if he fails to appear either at the Clerk's office or at the time and place stated in the citation.
- (d) When the defendant fails to appear within the stated time, a warrant may be issued for the arrest of that person.
- (e) When a defendant appears, but does not sign a guilty plea and waiver of trial, the court shall proceed in accordance with Rule 5 of the Ohio Rules of Criminal Procedure.
- (f) The citation tag as herein provided shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon, provided that the use of such tags shall not prohibit the issuance of either additional citation tags in the event such violation is continued or repeated.

(Ord. 90-626. Passed 11-27-90.)

771.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any violation shall constitute a separate offense on each successive day continued.
(Ord. 90-626. Passed 11-27-90.)